

G.R.S. IX-5]

Previous references.

1922-23

st

File No.

3-22

Serial No.

3

Later references.

G. 7 105-30831-3

GENERAL AND REVENUE SECRETARIAT.

Serial No. 3

Part B for

August 1922

SUBJECT

Recovery of institution fees in
Pauper Suits.

To the Comr. of Stamps,
" Rev. Comr.
" Comptroller through Min. Sect.
Mr. Dy. Comr.

No. G. 1062-72 dated 24-8-22.

Authorized by Comr. to sanc-
tion the actual amount needed for
expenses in such cases for instituting legal
proceedings ~~to recover institution~~ under paras
2, 3 and 5 of G. O. No. R. 11300-26 dated 11th
April 1921 regulating the procedure to be
followed for the recovery of institution fees
due to Govt. in Pauper Suits.

File No.

Serial Nos.

190 .

GENERAL AND REVENUE SECRETARIAT.

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Part A: Manuscript
for

Serial Nos.

GENERAL AND REVENUE SECRETARIAT.

(St)

NOTES.

File No. 3-22

FILE HEADING.

Recovery of institution fees due
to Govt. in pauper suits

From

No.

Dated

Received

Diary No. 238

Enclos.

Spare Copies.

Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

Order of the Revenue Secretary
in St. file no. 25-21 re remission of
institution fees due to Govt. in C.S. No. 497
of 1920-21 of the Munsiff's Court, Seringa-
patam filed in "forma pauperis".

Serial
No.

on account of
initial cost of
instituting pro-
legal proceed-
ings

"Why not empower Dy. Comrs. to incur expenditure up to a prescribed limit in each case, in such cases, subject to adjustment by recovery from parties. Please note on this Separately."

(End). - A. V. R.

6-7-22.

Flag B

2. The Dy. Comr. is authorized to engage the Public Prosecutor to institute proceedings for the recovery of the amount due to Govt. by the party. (vide Sec. 14, Order XXXIII of the Civil Procedure Code and G.O. No. R, 11306-26 dated 11th April 1921) - st 11-20-4 - It would be convenient and safe-guard Government's interests, if the Dy. Comr. is authorized to incur expenditure on account of initial cost in such cases. Otherwise paras 5 of the G.O. of 11th April 1921 would be rendered practically nugatory. The Dy. Comr.

Serial
No.

Can institute proceedings to recover Govt. dues promptly, as contemplated in the G. C. in question, only if he is permitted to incur the necessary expenditure on this account, without wasting time in correspondence and thereby giving time to the party to take steps to evade the payment of the amount due by them to Govt. or transfer his property to the names of others. The Protection Branch may, if approved, be consulted, as regards the money limit up to which the Dy. Commr. may be permitted to incur expenditure on this account without obtaining previous sanction of Govt.

14-7-22 15/7/22 Rev Secy) 15/7/22

3. Court costs are all fixed by definite schedules. It is perhaps best to lay down that Dy. Commr. may, without further sanction, draw ^{actual} amounts needed in respect of action taken by them under

Serial
No.

paras 2, 3 and 5 of the 7-6 of 11-4-1922
as advances and recover them by
recovery of parties. It may be added
that, ⁱⁿ ~~proceedings~~ ^{proceedings} ~~under these~~
paras, they must act with caution &
discretion, and avoid chances of
'throwing good money after bad.'

1286
28/7

2nd member }
this' first sec }

Ans
15/7/22

It is better to treat them as final charges and not
as advances. Separate heads for showing expenditure
and corresponding revenue may be opened in
accts and the watch over revenues against
demands exercised by means of departmental
returns and not thro an advance head.

Mls
27.3.22

The Financial Secretary's view may
be adopted.

Draft plan ^{note}
7/2

Ans
6/8 11/8/22

Submitted with a draft
G.C. to ~~now~~ by. Comrs. are
already submitting quarterly

G. R. S. III-2,

General and Revenue
Secretariat.

St- File No. 3

of 1921

Serial
No.

returns of recoveries made
~~for~~ under this head to the
Comm. of Stamps, no fresh
order to seems to be necessary
for the submission of returns
relating to the revenue from
~~this source~~, as suggested by the Financial Secretary.
~~It would seem to~~
be enough if the expenditure
incurred on this account is
shown in a separate column
in the quarterly return pre-
scribed in para 89 of G.O. No.
R.11306-25 dated 11-20-4 April 1921.

~~108~~ ~~19-8-22~~ 1921
Rev Secy

Grand Minister

17/8/21

1179
19-8-22

B
File 819-22

NOTE—Contn. sheet.

Off and for Communicating to the Secy to the Financial
Division recorded in the previous page.

28/8/21

To Comptroller

no 21103 of 29/8/21

SUBJECT... Recovery of Stamp Revenue due to Govt. in Pauper suits.

Diary No. of letter replied to..... 2345

Section 81

File No. 3-22

Serial No. 3

General and Revenue Secretariat

Proceedings of the Government of
His Highness the Maharaja of Mysore

, the

192

Date of issue.... 24/8/22

Read—

R. 11306-26
G.O. No. 81-11-20-4

dated 11th April 1920
issuing instructions
in the matter of
recovery of institution
due to Govt. fees in suits filed in
forma pauperis.

May this be

- i Printed? Yes
- ii treated as a standing order? Yes
- iii published in the Gazette, English Part? Yes
- iv translated? No
- v placed at the disposal of the press? No
- vi published in the Gazette, Kannada Part? No

Order

No. 11062-72 dated 24th
Order Thereon No. 11062-72

With a view to
enable by Commission
to recover promptly
institution fees due to
Govt. in Pauper suits
Govt. are pleased

Will -10
28/8

to authorize all Dy. Comrs.
to sanction the actual ^{amount needed for} ~~expenses~~
~~expenses~~ which have to
be incurred in such cases,
for instituting legal
proceedings under paras
2, 3 and 5 of the G.O.

read above. This power should
be used by Dy. Comrs. with discretion
so as to avoid all chances of ~~unnecessary loss of~~
~~unnecessary loss of~~ money of the Dy. Comrs.

^{Show the amount of}
The Dy. Comrs. should submit quarterly
accounts of expenditure in-
curred by them on this
account in the quarterly
return prescribed in the
G.O. of 11th April 1921
referred to above.

17/4/22
Secy. to Govt.

Rev. Depts.

M.D.S.

8/4/22

The Comr. of Stamps

Rev. Comr.

All Dy. Comrs.

The Comptroller ~~through the Finl~~

Copy to the Protection Box.

List of enclosures.

Copied by

Examined by